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David Killian

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EXAMINER

TAN, ALVIN H

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/783,511	<b>Applicant(s)</b> KILLIAN ET AL.	
	<b>Examiner</b> Alvin H. Tan	<b>Art Unit</b> 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5, 11-13, 15, 16, 19, 21, 22, 24-27, 30, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 11-13, 15, 16, 19, 21, 22, 24-27, 30, 33, 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Remarks***

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 7/16/07. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Claims 1, 5, 11-13, 15, 16, 19, 21, 22, 24-27, 30, 33, and 34 have been examined and rejected. This Office action is responsive to the amendment filed on 3/30/07, which has been entered in the above identified application.

### ***Claim Objections***

2. The corrections to claims 15 and 16 have been approved, and the objections to the claims are withdrawn.

### ***Claim Rejections - 35 USC § 112***

3. Claims 3, 4, 6, 18, 20, and 23 have been canceled and thus, the rejections to the claims under 35 U.S.C. 112, second paragraph, are withdrawn.

4. The corrections to claims 1, 5, 11, 12, 21, 22, and 24 have been approved, and the rejections to the claims under 35 U.S.C. 112, second paragraph, are withdrawn.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 5, 13, 15, 19, 27, 30, 33, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Hasha et al (U.S. Patent No. 6,734,879), herein after Hasha.

**Claims 1, 5, 33 (Interface)**

**Claims 13, 15, 19, 34 (Method)**

**Claims 27, 30 (Product)**

6-1. Regarding claims 1, 13, and 27, Hasha teaches the claim comprising a first set of control objects for selecting a system component within the controlled environment, by disclosing a method and system for generating a user interface for controlling software

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components through a user control point device *[column 2, lines 25-27]*. A main portion of a display contains menu items implemented as buttons for various components associated with the current space. The components relate to audio/video, lighting, climate control, elevator control, art control, and high resolution monitor control *[column 4, lines 49-55; figure 1]*.

Hasha teaches wherein activation of a control object from said first set denotes said selected system component and populates the user interface with control options, by disclosing that when a user selects one of the buttons, the user interface for the corresponding software component is provided by a user interface component for that software component *[column 4, lines 55-58]*.

Hasha teaches wherein each control option is associated with a sequence of commands that, when executed, sends instructions to control the operations or functions of said selected system component, by disclosing that *[figure 2]* illustrates a display after the audio/video button has been selected. The main portion reflects options relating to controlling audio/video *[column 5, lines 5-8]*. As shown, the main portion contains a control center component corresponding to an entertainment center, an ambient audio hardware component, or other hardware component for controlling various control center components within the space *[column 5, lines 13-18]*.

Hasha teaches a second set of control objects which are displayed concurrently with said control options associated with said selected system component, by disclosing various program selector buttons for controlling various programs such as a movie, television channel, or music albums *[column 5, lines 10-13]*.

Hasha teaches the second set of control objects represent affiliate system components capable of providing an input to said selected system component, wherein activation of a control object from said second set populates the user interface with control options for an affiliate system component associated with the activated control object, wherein each control option for said affiliate system component is associated with a sequence of commands that, when executed, sends instructions to control the operations or functions of said affiliate system component, by disclosing *[figure 3]*, which shows a display after the music album selector button has been selected. Various controls in the main portion allow the user to select an available album and to direct the music to a hardware component, such as the ambient audio component *[column 5, lines 20-27]*.

6-2. Regarding claims 5 and 19, Hasha teaches the claim wherein said first set of control objects represents a plurality of component types within the controlled environment, by disclosing control types audio/video, lighting, climate control, elevator control, art control, and high resolution monitor control *[column 4, lines 51-55; figure 1]*.

6-3. Regarding claim 15, Hasha teaches the claim further comprising populating said user interface with control options for an affiliate system component in response to activating a control object from said second set and associating each control option for said affiliate system component with a sequence of executable commands that sends instructions to control the operations or functions of said affiliate system component, by

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disclosing various program selector buttons for controlling various programs such as a movie, television channel, or music albums *[column 5, lines 10-13]*. *[Figure 3]* shows a display after the music album selector button has been selected. Various controls in the main portion allow the user to select an available album and to direct the music to a hardware component, such as the ambient audio component *[column 5, lines 20-27]*.

6-4. Regarding claim 30, Hasha teaches the claim wherein said first set of control objects represents a plurality of component types within the controlled environment, by disclosing control types audio/video, lighting, climate control, elevator control, art control, and high resolution monitor control *[column 4, lines 51-55; figure 1]*.

Hasha teaches selecting a component type in response to receiving an activation signal associated with said first set, by disclosing that selecting control type audio/video in *[figure 1]* displays the user interface with the second set of control objects as shown in *[figure 2]*.

Hasha teaches populating the user interface with a second set of control objects to represent available regions, each region including one or more system components of a selected component type within the controlled environment, wherein the selected system component is selected in response to receiving an activation signal associated with said second set, by disclosing various control center buttons for controlling various control center components within the current space. A control center software component may correspond to an entertainment center, an ambient audio hardware

component, or other hardware component within the space [column 5, lines 13-18; figure 2].

6-5. Regarding claims 33 and 34, Hasha teaches the claim wherein said second set of control objects represents a plurality of component types within the controlled environment, by disclosing control types movies, TV channels, music albums, radio stations, estate cameras, play lists, and in progress [figure 2].

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 5, 11-13, 15, 16, 19, 21, 22, 24-27, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dresti et al (Pub. No. US 2003/0103088 A1), herein after Dresti, and Humpleman et al (U.S. Patent No. 6,198,479 B1), herein after Humpleman.

**Claims 1, 5, 11, 12, 33 (Interface)**

**Claims 13, 15, 16, 19, 21, 22, 24-26, 34 (Method)**

**Claims 27 (Product)**



8-1. Regarding claims 1, 13, and 27, Dresti teaches the claim comprising a first set of control objects for selecting a system component within the controlled environment, by disclosing an electronic device having a remote control application user interface that functions to display operational mode information to a user *[paragraph 4, lines 1-4]*. A wheel 110 *[figure 11]* contains icons representing devices and/or activities *[paragraph 142, lines 1-3]*.

Dresti teaches wherein activation of a control object from said first set denotes said selected system component and populates the user interface with said control options, by disclosing that the icons function as soft keys that may be selected to cause the performance of a further action, for example, to display a device control page, cause the transmission of commands, etc. *[paragraph 138, lines 5-9]*.

Dresti teaches wherein each control option is associated with a sequence of commands that, when executed, sends instructions to control the operations or functions of said selected system component, by disclosing that users can select the devices by clicking on the appropriate icon in the wheel, wherein a page of control functions for that device would be displayed *[paragraph 151, lines 10-15; figure 19a]*.

Dresti teaches a second set of control objects representing affiliate system components capable of providing an input to said selected system component, wherein activation of a control object from said second set populates the user interface with control options for an affiliate system component associated with the activated control object from the second set, wherein each control option for said affiliate system component is associated with a sequence of commands that, when executed, sends

instructions to control the operations or functions of said affiliate system component, by disclosing that the home screen device wheel 110 may contain device and activity icons *[paragraph 142, lines 1-3]*. When editing an activity icon, the user is presented with a set of control objects in which to select the device to be operated. Selecting a device would then populate the interface with a set of control options for that device. A series of keystrokes is then input, which would control the selected device when the activity icon is run *[paragraph 212, lines 9-14; paragraph 180, lines 6-24]*. Further, activities represent a desired configuration of one or more devices that is centered around a given pastime. For example, a 'watch movies' activity might be setup to cause the transmission of commands to select the DVD player as the audio/video source, set the surround sound mode on the audio amplifier, switch the TV input to S-Video, etc. *[paragraph 137, lines 14-20]*. Thus, in order to setup an activity involving multiple system components, an affiliate system component may be selected and configured by presenting an interface with a set of control option for the affiliate system component. If an activity has already been established and a user wishes to edit the activity, the user would be able to identify any devices being operated by the activity, including a first component and any affiliate components.

Dresti does not expressly teach that the second set of control objects are displayed concurrently with said control options associated with said selected system component. Humpleman teaches a method and apparatus for controlling a plurality of devices on a home network to perform a service *[column 2, lines 19-22]*. A session manager displays related devices on a network and allows users select a device for

control [column 15, lines 7-12, 34-41; figure 8]. After selection of a device, the user is presented with control options for controlling the selected device [figure 10, 706]. The session manager continues to display the contents of the device link page with only those related devices to the selected device activated [column 15, lines 49-64; column 16, line 8 to column 17, line 15]. Thus, the interface of Humpleman displays a second set of control objects concurrently with the control options associated with the selected device. This allows users to more easily see which devices are related to a selected device. The user may then select a second device from the related devices [column 17, lines 16-26] wherein the user is presented with control options for controlling the second device [figure 11]. Since Dresti teaches configuring and controlling multiple related devices [Dresti, paragraph 137, lines 14-20], it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a second set of control objects representing affiliate system component capable of providing an input to said selected system component concurrently with said control options associated with said selected system component, as taught by Humpleman. This would allow users to more easily see which devices are related to a selected device.

8-2. Regarding claims 5 and 19, Dresti and Humpleman teach the claim wherein said first set of control objects represents a plurality of component types within the controlled environment, by disclosing that each device icon is associated with a type [Dresti, figure 14c].

8-3. Regarding claims 11 and 25, Dresti and Humpleman teach the claim further comprising device definition means for specifying input or output links or dependencies among one or more affiliate system components and a primary system component, and thereby establishing a chain of system components including said primary system component and said one or more affiliate system components, wherein said primary system component is associated with a primary control object from said first set, by disclosing that when generating a macro, users can specify a sequence of actions for selected devices. For example, a "Watch DVD Movie" macro could be made with primary system component being the DVD Player. When selected via an activity icon on the home screen device wheel 110, the macro would 1) turn on the DVD Player; 2) turn the AMP to the DVD input; 3) turn on the TV; 4) set TV input to "Video 1"; and 5) play the movie [*Dresti, paragraph 211*].

8-4. Regarding claims 12 and 26, Dresti and Humpleman teach the claim wherein activation of said primary control object populates the user interface with control options for executing commands to send instructions to control the operations or functions of said chain of system components, by disclosing that users can copy, link, or edit the macros [*Dresti, paragraph 213, lines 5-10*]. Editing the macros would display control options to allow the user to select and control devices when the macro is run.

8-5. Regarding claim 15, Dresti and Humpleman teach populating said user interface with control options for an affiliate system component in response to activating a control

object from said second set and associating each control option for said affiliate system component with a sequence of executable commands that sends instructions to control the operations or functions of said affiliate system component, by disclosing that the home screen device wheel 110 may contain device and activity icons [*Dresti, paragraph 142, lines 1-3*]. The activity icons represent the first set of control objects. When editing an activity icon, the user is presented with a set of control objects in which to select the device to be operated. Selecting a device would then populate the interface with a second set of control options for that device. A series of keystrokes is then input, which would control the selected device when the activity icon is run [*Dresti, paragraph 212, lines 9-14; paragraph 180, lines 6-24*].

8-6. Regarding claim 16, Dresti and Humpleman teach the claim further comprising populating said user interface with control options to link an affiliate system component to the selected system component and hide said affiliate system component from further view on said user interface, by disclosing that when adding devices to the macro, a user links the device to the activity. When brought back to the home screen device wheel 110, the selected devices within the macro would not be displayed. Only the icon representing the activity would be shown [*Dresti, figure 22G*].

8-7. Regarding claim 21, Dresti and Humpleman teach the claim further comprising selecting one or more control objects from said first set to designate system

components, wherein said system components can operate in either an on or off state, by disclosing devices having an on/off state [*Dresti, paragraph 131*].

Dresti and Humpleman teach presenting, on said user interface, a switch object that, when activated, executes a global command for the designated system components and executing said global command to send instructions to alter the on-off state of the designated system components, by disclosing activity icons within wheel 110 that denote user generated macros. User generated macros allow the user to manually program a sequence of actions to be assigned to a single button such that the sequence can be repeated by a press of the single button [*Dresti, paragraph 211*].

8-8. Regarding claim 22, Dresti and Humpleman teach the claim further comprising selecting one or more control objects from said first set to designate a component type, presenting, on said user interface, a switch object that, when activated, executes a global command for one or more system components matching said component type, wherein said system components can operate in either an on or off state, and executing said global command to send instructions to alter the on-off state of said one or more system components matching said component type, by disclosing a power macro for a home theatre system that offers a global on and off function for a home theatre [*Dresti, paragraph 131*].

8-9. Regarding claim 24, Dresti and Humpleman teach the claim further comprising selecting one or more control objects from said first set to designate system

components, wherein said system components can operate in either an on or off state, by disclosing devices having an on/off state [*Dresti, paragraph 131*].

Dresti and Humpleman teach presenting, on said user interface concurrently with said first set, a switch object that, when activated, executes a global command for the designated system components, by disclosing activity icons within wheel 110 that denote user generated macros. User generated macros allow the user to manually program a sequence of actions to be assigned to a single button such that the sequence can be repeated by a press of the single button [*Dresti, paragraph 211*].

Dresti and Humpleman teach exempting from said global command at least one of one or more specified system components, one or more system components matching a specified component type, and one or more system components positioned within a specified region within the controlled environment, and executing said global command to send instructions to alter the on-off state of all designated system components except for the exempted one or more system components, by disclosing that users can indicate which devices are to participate in the macro [*Dresti, paragraph 166, lines 8-16*].

8-10. Regarding claims 33 and 34, Dresti and Humpleman teach the claim wherein said second set of control objects represents a plurality of component types within the controlled environment, by disclosing that each device icon is associated with a type [*figure 14c*].

***Response to Arguments***

9. The Examiner acknowledges the Applicant's amendments to claims 1, 13, 15, 16, 21, 22, 24, and 27, the cancellation of claims 3, 4, 6, 10, 17, 18, 20, 23, 29, 31, and 32, and the addition of claims 33 and 34.

Regarding independent claims 1, 13, and 27, the Applicant alleges that Dresti et al (Pub. No. US 2003/0103088 A1), as described in the previous Office action, does not "concurrently display on the same GUI another set of devices that can provide input to the selected device", as has been amended to the claims. Examiner has therefore rejected independent claims 1, 13, and 27 under 35 U.S.C § 103 as being unpatentable over Dresti and Humpleman et al (U.S. Patent No. 6,198,479 B1). See section 8-1.

Regarding the rejections of independent claims 1, 13, and 27 under 35 U.S.C. 102(e) as being anticipated by Hasha et al (U.S. Patent No. 6,734,879), the Applicant alleges that Hasha as described in the previous Office action, does not explicitly teach or suggest, "a first set of control objects for selecting a system component within a controlled environment, wherein activation of a control object from said first set denotes said selected system component and populates the user interface with control options... [and] a second set of control objects, which are displayed concurrently with said control options associated with said selected system component, representing affiliate system components capable of providing an input to said selected system component", as has been amended to the claims. Contrary to Applicant's arguments, Hasha teaches the first set of control objects shown in *[figure 1]*. The first set of control objects relate to audio/video, lighting, climate control, elevator control, art



control, and high resolution monitor control *[column 4, lines 49-55; figure 1]*. When a user selects one of the control objects, the user interface for the corresponding software component is provided by a user interface component for that software component *[column 4, lines 55-58]*. *[Figure 2]* illustrates a display after the audio/video button has been selected. The main portion reflects options relating to controlling audio/video *[column 5, lines 5-8]*. As shown, the main portion contains control options in a control center component corresponding to an entertainment center, an ambient audio hardware component, or other hardware component for controlling various control center components within the space *[column 5, lines 13-18]*. Hasha teaches a second set of control objects are displayed concurrently with the control center components, by disclosing various program selector buttons for controlling various programs such as a movie, television channel, or music albums *[column 5, lines 10-13]*. These program selector buttons provide users with various controls in the main portion *[figure 3]* that allow the user to select an available album and to direct the music to a hardware component, such as the ambient audio component *[column 5, lines 20-27]*. Thus, these affiliate system components are capable of providing input to aid selected system component.

Newly added claims 33 and 34 have been rejected under 35 U.S.C § 103 as being unpatentable over Dresti and Humpleman et al (see section 8-10) and under 35 U.S.C § 102(e) as being unpatentable over Hasha (see section 6-5).

Applicant states that dependent claims 5, 11, 12, 15, 16, 19, 21, 22, 24-26, 30, 33, and 34 recite all the limitations of the independent claims, and thus, are allowable in

view of the remarks set forth regarding independently amended claims 1, 13, and 27. However, as discussed above, Dresti and Humpleman are considered to teach claims 1, 13, and 27 and Hasha is considered to teach claims 1, 13, and 27, and consequently, claims 5, 11, 12, 15, 16, 19, 21, 22, 24-26, 30, 33, and 34 are rejected.


### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin H. Tan whose telephone number is 571-272-8595. The examiner can normally be reached on Mon-Fri 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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